IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5691 of 2007()

CMP.3850/2007 of J.M.F.C.-V,KOZHIKODE
CRIME NO.230/07 OF FEROKE POLICE STATION

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PETITIONERS : ACCUSED

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1. RANGASWAMI @ CHANDRAN @ BABU,
   S/O.VELAYUDHAN,1/2778,WEST HILL P.O,
   WEST HILL BEACH,BANGALADESH COLONY,KOZHIKODE.

2. AARIFA,W/O.CHANDRAN,1/2778,
   WEST HILL P.O,WEST HILL BEACH,
   BANGLADESH COLONY,KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,FEROKE
   POLICE STAITON.

2. STATE REP.BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5691 of 2007

Dated this the 24th day of September, 2007

ORDER

Application for regular bail. Petitioners are accused 6 and 7. The petitioners claim that they are husband and wife. The crux of the allegations against the petitioners is that the 6th accused had sexual intercourse with the victim and the 7th accused facilitated the commission of such sexual intercourse by the 6th accused with the victim. The victim is alleged to be the wife of the 1st accused. During the period 2001-2006, the victim was allegedly compelled to have sexual intercourse with various persons by the 1st accused. The complaint was lodged in 2007. Investigation is in progress. The petitioners were arrested on 31.08.07 and 01.09.2007 respectively. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The petitioners are in no way responsible for the alleged unfortunate life of the victim who claims to be the wife of the 1st accused. The 6th accused did not have sexual intercourse with the victim. The 7th accused (who claims to be the wife of the 6th accused) did not at all do any acts to facilitate the commission of rape by the 6th accused or any other on the victim. The petitioners who have remained in custody from 31.08.07 and 01.09.07 may now be enlarged on bail, prays the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the prayer for regular bail. Subject to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation, the petitioners can now be enlarged on bail, submits the learned Public Prosecutor .

4. Having considered all the relevant inputs, I am satisfied, that in the circumstances to which brief reference has already been made by me, the petitioners can be enlarged on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-